

108TH CONGRESS  
1ST SESSION

# H. R. 1744

To amend title XIX of the Social Security Act to revise and simplify the transitional medical assistance (TMA) program.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2003

Mr. LEVIN (for himself and Mr. CASTLE) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to revise and simplify the transitional medical assistance (TMA) program.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Welfare to Work  
5       Health Care Act of 2003”.

1 **SEC. 2. REVISION AND SIMPLIFICATION OF THE TRANSI-**  
2 **TIONAL MEDICAL ASSISTANCE PROGRAM**  
3 **(TMA).**

4 (a) OPTION OF CONTINUOUS ELIGIBILITY FOR 12  
5 MONTHS; OPTION OF CONTINUING COVERAGE FOR UP TO  
6 AN ADDITIONAL YEAR.—

7 (1) OPTION OF CONTINUOUS ELIGIBILITY FOR  
8 12 MONTHS BY MAKING REPORTING REQUIREMENTS  
9 OPTIONAL.—Section 1925(b) of the Social Security  
10 Act (42 U.S.C. 1396r–6(b)) is amended—

11 (A) in paragraph (1), by inserting “, at the  
12 option of a State,” after “and which”;

13 (B) in paragraph (2)(A), by inserting  
14 “Subject to subparagraph (C)—” after “(A)  
15 NOTICES.—”;

16 (C) in paragraph (2)(B), by inserting  
17 “Subject to subparagraph (C)—” after “(B)  
18 REPORTING REQUIREMENTS.—”;

19 (D) by adding at the end the following new  
20 subparagraph:

21 “(C) STATE OPTION TO WAIVE NOTICE  
22 AND REPORTING REQUIREMENTS.—A State  
23 may waive some or all of the reporting require-  
24 ments under clauses (i) and (ii) of subpara-  
25 graph (B). Insofar as it waives such a reporting  
26 requirement, the State need not provide for a

1 notice under subparagraph (A) relating to such  
2 requirement.”; and

3 (E) in paragraph (3)(A)(iii), by inserting  
4 “the State has not waived under paragraph  
5 (2)(C) the reporting requirement with respect  
6 to such month under paragraph (2)(B) and if”  
7 after “6-month period if”.

8 (2) STATE OPTION TO EXTEND ELIGIBILITY  
9 FOR LOW-INCOME INDIVIDUALS FOR UP TO 12 ADDI-  
10 TIONAL MONTHS.—Section 1925 of such Act (42  
11 U.S.C. 1396r–6) is further amended—

12 (A) by redesignating subsections (c)  
13 through (f) as subsections (d) through (g); and

14 (B) by inserting after subsection (b) the  
15 following new subsection:

16 “(c) STATE OPTION OF UP TO 12 MONTHS OF ADDI-  
17 TIONAL ELIGIBILITY.—

18 “(1) IN GENERAL.—Notwithstanding any other  
19 provision of this title, each State plan approved  
20 under this title may provide, at the option of the  
21 State, that the State shall offer to each family which  
22 received assistance during the entire 6-month period  
23 under subsection (b) and which meets the applicable  
24 requirement of paragraph (2), in the last month of  
25 the period the option of extending coverage under

1       this subsection for the succeeding period not to ex-  
2       ceed 12 months.

3               “(2) INCOME RESTRICTION.—The option under  
4       paragraph (1) shall not be made available to a fam-  
5       ily for a succeeding period unless the State deter-  
6       mines that the family’s average gross monthly earn-  
7       ings (less such costs for such child care as is nec-  
8       essary for the employment of the caretaker relative)  
9       as of the end of the 6-month period under sub-  
10      section (b) does not exceed 185 percent of the offi-  
11      cial poverty line (as defined by the Office of Man-  
12      agement and Budget, and revised annually in ac-  
13      cordance with section 673(2) of the Omnibus Budget  
14      Reconciliation Act of 1981) applicable to a family of  
15      the size involved.

16              “(3) APPLICATION OF EXTENSION RULES.—  
17      The provisions of paragraphs (2), (3), (4), and (5)  
18      of subsection (b) shall apply to the extension pro-  
19      vided under this subsection in the same manner as  
20      they apply to the extension provided under sub-  
21      section (b)(1), except that for purposes of this sub-  
22      section—

23                      “(A) any reference to a 6-month period  
24                      under subsection (b)(1) is deemed a reference  
25                      to the extension period provided under para-

1 graph (1) and any deadlines for any notices or  
 2 reporting and the premium payment periods  
 3 shall be modified to correspond to the appro-  
 4 priate calendar quarters of coverage provided  
 5 under this subsection; and

6 “(B) any reference to a provision of sub-  
 7 section (a) or (b) is deemed a reference to the  
 8 corresponding provision of subsection (b) or of  
 9 this subsection, respectively.”.

10 (b) STATE OPTION TO WAIVE RECEIPT OF MED-  
 11 ICAID FOR 3 OF PREVIOUS 6 MONTHS TO QUALIFY FOR  
 12 TMA.—Section 1925(a)(1) of such Act (42 U.S.C. 1396r–  
 13 6(a)(1)) is amended by adding at the end the following:  
 14 “A State may, at its option, also apply the previous sen-  
 15 tence in the case of a family that was receiving such aid  
 16 for fewer than 3 months, or that had applied for and was  
 17 eligible for such aid for fewer than 3 months, during the  
 18 6 immediately preceding months described in such sen-  
 19 tence.”.

20 (c) ELIMINATION OF SUNSET FOR TMA.—

21 (1) Subsection (g) of section 1925 of such Act  
 22 (42 U.S.C. 1396r–6), as redesignated under sub-  
 23 section (a)(2), is repealed.

24 (2) Section 1902(e)(1) of such Act (42 U.S.C.  
 25 1396a(e)(1)) is amended by striking “(A)

1       Notwithstanding” and all that follows through  
2       “During such period, for” in subparagraph (B) and  
3       inserting “For”.

4       (d) CMS REPORT ON ENROLLMENT AND PARTICIPA-  
5       TION RATES UNDER TMA.—Section 1925 of such Act,  
6       as amended by subsections (a)(2) and (c), is amended by  
7       adding at the end the following new subsection:

8       “(g) ADDITIONAL PROVISIONS.—

9               “(1) COLLECTION AND REPORTING OF PARTICI-  
10       PATION INFORMATION.—Each State shall—

11               “(A) collect and submit to the Secretary,  
12               in a format specified by the Secretary, informa-  
13               tion on average monthly enrollment and average  
14               monthly participation rates for adults and chil-  
15               dren under this section; and

16               “(B) make such information publicly avail-  
17               able.

18       Such information shall be submitted under subpara-  
19       graph (A) at the same time and frequency in which  
20       other enrollment information under this title is sub-  
21       mitted to the Secretary. Using such information, the  
22       Secretary shall submit to Congress annual reports  
23       concerning such rates.”.

1 (e) COORDINATION OF WORK.—Section 1925(g) of  
 2 such Act, as added by subsection (d), is amended by add-  
 3 ing at the end the following new paragraph:

4 “(2) COORDINATION WITH ADMINISTRATION  
 5 FOR CHILDREN AND FAMILIES.—The Administrator  
 6 of the Centers for Medicare & Medicaid Services, in  
 7 carrying out this section, shall work with the Assist-  
 8 ant Secretary for the Administration for Children  
 9 and Families to develop guidance or other technical  
 10 assistance for States regarding best practices in  
 11 guaranteeing access to transitional medical assist-  
 12 ance under this section.”.

13 (f) ELIMINATION OF TMA REQUIREMENT FOR  
 14 STATES THAT EXTEND COVERAGE TO CHILDREN AND  
 15 PARENTS THROUGH 185 PERCENT OF POVERTY.—

16 (1) IN GENERAL.—Section 1925 of such Act is  
 17 further amended by adding at the end the following  
 18 new subsection:

19 “(h) PROVISIONS OPTIONAL FOR STATES THAT EX-  
 20 TEND COVERAGE TO CHILDREN AND PARENTS THROUGH  
 21 185 PERCENT OF POVERTY.—A State may (but is not re-  
 22 quired to) meet the requirements of subsections (a) and  
 23 (b) if it provides for medical assistance under section 1931  
 24 to families (including both children and caretaker rel-  
 25 atives) the average gross monthly earning of which (less

1 such costs for such child care as is necessary for the em-  
 2 ployment of a caretaker relative) is at or below a level that  
 3 is at least 185 percent of the official poverty line (as de-  
 4 fined by the Office of Management and Budget, and re-  
 5 vised annually in accordance with section 673(2) of the  
 6 Omnibus Budget Reconciliation Act of 1981) applicable  
 7 to a family of the size involved.”.

8 (2) CONFORMING AMENDMENTS.—Such section  
 9 is further amended, in subsections (a)(1) and (b)(1),  
 10 by inserting “, but subject to subsection (h),” after  
 11 “Notwithstanding any other provision of this title,”  
 12 each place it appears.

13 (g) EXTENDING USE OF OUTSTATIONED WORKERS  
 14 TO ACCEPT APPLICATIONS FOR TRANSITIONAL MEDICAL  
 15 ASSISTANCE.—Section 1902(a)(55) of such Act (42  
 16 U.S.C. 1396a(a)(55)) is amended by inserting “and under  
 17 section 1931” after “(a)(10)(A)(ii)(IX)”.

18 (h) EFFECTIVE DATES.—(1) Except as provided in  
 19 this subsection, the amendments made by this section shall  
 20 apply to calendar quarters beginning on or after the date  
 21 of the enactment of this Act, without regard to whether  
 22 or not final regulations to carry out such amendments  
 23 have been promulgated by such date.

24 (2) In the case of a State plan for medical assistance  
 25 under title XIX of the Social Security Act which the Sec-

1   retary of Health and Human Services determines requires  
2   State legislation (other than legislation appropriating  
3   funds) in order for the plan to meet the additional require-  
4   ments imposed by the amendments made by this section,  
5   the State plan shall not be regarded as failing to comply  
6   with the requirements of such title solely on the basis of  
7   its failure to meet these additional requirements before the  
8   first day of the first calendar quarter beginning after the  
9   close of the first regular session of the State legislature  
10  that begins after the date of the enactment of this Act.  
11  For purposes of the previous sentence, in the case of a  
12  State that has a 2-year legislative session, each year of  
13  such session shall be deemed to be a separate regular ses-  
14  sion of the State legislature.

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